
Conducting Administrative Investigations

Participant Guide

September 25, 2006

Table of Contents

Welcome	3
Course Overview	4
What is an Administrative Investigation?	7
Effective Investigation Techniques	9
Public Employee Rights & Responsibilities	14
Conducting a Basic Investigation & Preparing Reports	17
Closing	23
Appendix A: <i>Director's Order #68 Notification Protocol for Conduct of Employee Investigations</i>	25



Welcome

Welcome to this TEL (Technology Enhanced Learning) training event. We are excited that you will be joining us today for *Conducting Administrative Investigations*, and we look forward to helping you to get as much out of this time as possible.

Your classroom today is not very large, 160 or fewer students from as many as 40 different locations across the NPS. We purposely keep the class size small to assure that if you have a question, there is time to get it answered. Don't hesitate to ask—if you have a question, there are probably several others in the class who have the same question—you might as well be the one to ask! It is our goal that you leave class today with no unanswered questions.

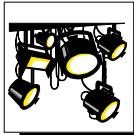
How to Interact with the Instructor

We encourage you to ask questions and share your comments with the instructors throughout this TELNPS course. If you were physically in the classroom with the instructor, you would raise your hand to let her/him know you had a question or comment. Then you would wait for the instructor to recognize you and ask for your question. We are all familiar with that “protocol” for asking questions or making comments.

With TELNPS courses there is also a “protocol” to follow to ensure that you can easily ask questions and others can participate as well. It may seem a little strange at first asking a question of a TV monitor. Remember, it is the instructor you are interacting with and not the monitor. As you ask more questions and participate in more TELNPS courses, you will soon be focusing only on the content of your question and not the equipment you are using to ask it. As part of the TEL station equipment at your location, there are several push-to-talk microphones. Depending on the number of students at your location, you may have one directly in front of you or you may be sharing one with other students at your table.

When you have a question, press and hold down the push-to-talk button, maintaining a distance of 12-18 inches, and say, “Excuse me [instructor’s first name], this is [your first name] at [your location]. *I have a question (or I have a comment).*”

Then release the push-to-talk button. This is important. Until you release the button, you will not be able to hear the instructor. The instructor will acknowledge you and then ask for your question or comment. Stating your name and location not only helps the instructor, but also helps other students who are participating at different locations to get to know their classmates.



Course Overview

Why a *Conducting Administrative Investigations* program?

Although conduct issues may seem unpredictable, dealing with them doesn't have to be. Today's course deals with conducting administrative investigations. This training is aimed at giving supervisors, and others who serve as an advisor to supervisors, the knowledge and tools to manage their employees' administrative investigations. Also this training will help anyone involved in an administrative investigation understand their rights and know proper procedures to help avoid delays and grievances.

Target Audience

This course is designed for any employee with supervisory duties, or who serves as an advisor to supervisors, such as a Human Resources (HR) Specialist. This course counts toward the mandated NPS annual 40-hour supervisory training requirement.

Program Timing

Conducting Administrative Investigations is broadcast September 25, 1:30 to 3:30 p.m., EST.

Learning Objectives

This course will teach:

1. Public employees their rights and responsibilities during the interrogation and disciplinary interview processes
2. Labor management issues that apply to employees covered by a union during administrative investigations
3. Differences between criminal and administrative investigations
4. Steps to use when conducting a basic or preliminary administrative investigation into alleged employee misconduct
5. Preparation of oral and written reports for use in administrative investigations
6. Role of your servicing personnel office in an administrative investigation

7. Decision-making process to handle complaints and determine whether to:
 - a. Initiate investigative activity
 - b. Refer to another appropriate authority
 - c. Take no further specific investigative action

Site Point-of-Contact Responsibilities

The TEL Station Site Point-of-Contact must reserve the training room, notify employees that the park will be participating in this TEL training event, make sure the Participant Guide is available to students, set up the TEL Station on the day of the training, make sure students sign in on the Student Roster form, and finalize the roster in My Learning Manager.

Conducting Administrative Investigation Course Map





What is an Administrative Investigation?

Group Exercise using Video Clip on Conducting a Basic Investigation

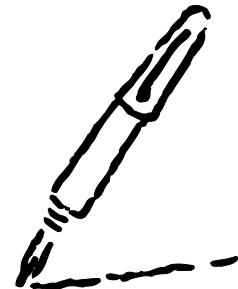
- What potential issues are in this scenario?
- If you were present what would you be thinking about?

Group Writing Exercise on Sole Purpose of Administrative Investigation

What is an administrative investigation?

What is the main purpose of an administrative investigation?

Capture your notes here



Compare and Contrast with Other Types of Investigations

Supervisors and managers may be called upon to conduct investigations within their work units. Oftentimes these allegations aren't major incidents. They may be day-to-day things that have reportedly happened such as a visitor complaint of discourteous behavior by an employee, a safety violation, an Absent without Leave (AWOL) case, or the misuse of government property such as a credit card. In these cases, supervisors are often required to develop information in connection with these emerging workplace situations -- if only to determine whether further investigation is necessary.

For example, in an AWOL case based on a complaint by a coworker, a supervisor may find it necessary to ask an employee whether the employee left work early without permission. Then it might be necessary to follow up by seeking additional information from other coworkers before deciding whether to counsel the employee or to propose disciplinary action. Thus, many reasons exist for conducting an investigation.

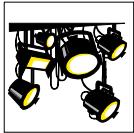
An investigation consists of any deliberate effort to obtain or develop information in order to identify facts or to determine an appropriate course of action within the requirements established by law, regulations and labor agreements. The basic purpose of an investigation is to gather data, evidence, facts, and statement to assist in determining whether an incident occurred or did not occur as alleged.

The key to effective investigation is to remember that your sole purpose is to obtain information and identify relevant facts. It is not to confirm your opinions or suspicions, or to accuse anyone of wrongdoing.

Many reasons may exist for conducting an investigation, and there are various types of investigations. Administrative investigations are non criminal investigations related to misconduct or actions of an employee. A criminal investigation deals with an allegation of criminal misconduct and/or violation of federal, state or local criminal codes. An EO investigation involves a complaint of discrimination because of race, color, religion, sex, national origin, age, or physical or mental handicap. A basic investigation may also identify a need for a safety investigation or a technical board of inquiry. Many of you are probably familiar with background investigations. Regardless of the type of investigation, some of the basic elements of a preliminary investigation hold true. This course will teach you about the basic steps in an investigation.

Manner in which Investigations are Conducted

The key to effective investigation is to remember that your sole purpose is to obtain information and identify relevant facts. It is not to confirm your opinions or suspicions, or to accuse anyone of wrongdoing. Therefore, you need to conduct investigations in a calm, professional, unemotional, and unbiased manner.



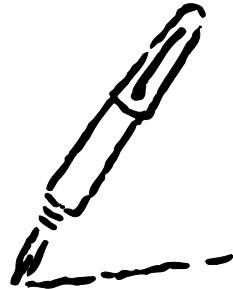
Effective Investigation Techniques

Group Exercise using Video Clip on Personnel Involved in an Administrative Investigation

- ❑ Who should be involved besides the person observing or reporting the allegation?

Note: If a preliminary or basic investigation results in an indication of serious wrongdoing (e.g., theft) or involves a complicated issue (e.g., a complaint of sexual harassment), most agencies require the matter to be referred to the HR or Office of the Inspector General (OIG) office for further investigation.

Capture your notes here



Steps to Use in a Preliminary Investigation of Alleged Misconduct

Most investigations conducted by supervisors or managers consist of asking one or more employees direct questions to basic establish facts. This might be termed basic or preliminary investigation.

When you conduct a basic or preliminary investigation, however, these techniques will help you to obtain information efficiently:

- **Begin your inquiry with the target of the investigation.** Do this unless the targeted employee is in a position to alter, destroy or improperly influence information that might be available from other sources. For example, in response to a complaint of coworker harassment, it would not be appropriate to begin your inquiry with the alleged harasser. But it would be appropriate in response to the possibility that an employee deliberately damaged a computer.
- **Question sources or witnesses separately.** Do not question two or more sources at the same time. That can result in a less-than-candid response to your questions.
- **Maintain privacy and confidentiality.** Although the information obtained from a witness may inevitably become public knowledge -- particularly if a disciplinary action results and is challenged in a hearing -- it is nonetheless essential that you keep a tight lid on what anyone tells you in the course of an investigation.
- **Focus on the facts.** Although nothing prevents you from hearing opinions, guesses, gut feelings and the like, recognize the difference between them and hard facts. Remember that it is appropriate to take action on facts, but not on feelings or suspicions.
- **Document everything you are told.** Documentation doesn't have to be lengthy and formal. And it doesn't have to sound like a legal document or the report of a private eye. But you should, at a minimum, jot down notes reflecting what you learn.
- **Comply with your labor agreement.** Some labor agreements require supervisors and other management officials to warn employees of their right to union representation before asking questions that could lead to discipline. Most do not. If yours does make sure you provide that warning before asking those questions. If an employee is being interviewed and asks for representation know what you need to do.
- **Comply with the law.** The federal labor relations law requires you to allow an employee who is a member of the bargaining unit to have a union

representative present if the employee is being asked questions that could lead to discipline -- or if the employee reasonably fears discipline -- and requests assistance.

- **Criminal matters** should be referred to appropriate LE sources.
- **Follow DO #68, Notification Protocol for Conduct of Employee Investigations (see Appendix A.)**

Role of Your Servicing Personnel Office and Law Enforcement Office

It is highly advisable to obtain advice and assistance from your agency's Personnel or Human Resources (HR) experts or agency legal counsel before imposing discipline. They are paid to stay in touch with the latest laws, regulations and case decisions, and can often save you time and trouble. There are specifics that HR will need for you to take care of and address in order to be successful. They in turn may refer you to additional resources such as Special Agents, Office of Special Counsel (OSC), Office of the Inspector General (OIG), etc.

The Five Ws

- What happened.
- When it happened.
- Where it happened.
- Why it happened.
- Who was present and either observed or participated in the incident

Off Duty Conduct

- Can we take action against an employee for misconduct that occurs off duty?
- How? Under what authority?
- What do we need to prove?
- How do we prove it?
- Does this apply to all employees?

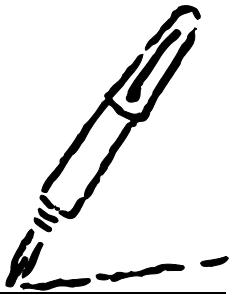
Nexus

Definition: The connection that must exist between conduct or behavior to base action that has impacts on the Agency's operation.

What Establishes Nexus:

- Nexus automatic for on duty misconduct
- Nexus automatic for on duty criminal conduct
- Loss of trust or confidence establishes nexus
- An arrest by itself does not establish nexus

Capture your notes here



Crime Provision

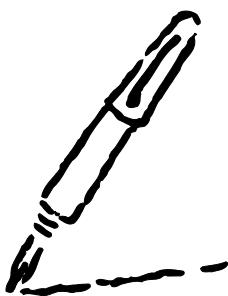
Permits agencies to place employees on indefinite suspension pending the completion of investigation or criminal proceedings when the agency has reasonable cause to believe the employee has committed a crime for which the employee could be imprisoned.

Douglass Factors

- Nature and Seriousness of Offense
- Employee Job
- Past Discipline
- Past Work Record
- Ability to Perform in the Future
- Consistency with Other Penalties
- Consistency with Agency Table of Penalties
- Notoriety and Impact
- Clarity of Notice
- Potential for Rehabilitation
- Mitigating Circumstance
- Alternative Sanctions

Group Exercise using Video Clip on Misuse of Government Property

Capture your notes here





Public Employee Rights & Responsibilities

Labor Management Issues

- Is the employee covered by a union?
- Did the employee request a union representative?
- Is the employee entitled to representation rights?
- Does the employee believe they may be disciplined?
- Is this a criminal or an administrative issue?

Investigative Weingarten Situations

Weingarten Rights: **an employee's right to have a representative present when being questioned about a possible disciplinary infraction.** The United States Supreme Court ruled in 1975, in the case of NLRB v. J. Weingarten, that employees have a right to union representation at investigatory interviews. These rights have become known as the Weingarten Rights.

The following are Weingarten Situation Options:

- A bargaining unit employee is being—or is about to be--questioned
- The person(s) doing the questioning is a representative of management (including LE personnel and OIG)
- Nature of discussion is or will be investigative
- Employee being questioned has reason to believe discipline will result from the incident
- Employee asks for a union representative
- Temporarily end the discussion
- Offer the employee the option of continuing without a representative
- End questioning until a union representative arrives, then resume

Consider Privacy Act Considerations and Cases

5 U.S.C. 552a(e)92 states that (Agencies shall) collect information to the greatest extent practical directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

Employee Responsibility to Cooperate

- Federal employees have an obligation to participate in Agency investigations and may be removed for failing to cooperate
- Employees do not have the right to remain silent once immunity is granted from prosecution
- Employees do not have the right to falsely deny charged misconduct. OPM V. Erickson et. al., S.C.T. 96-1395 01/21/98
- Employee's responsibility to cooperate is defined by the *Garrity Rule*, which applies whenever an officer or any public employee is required by a supervisor to answer questions as a condition of employment and the level of discipline imposed for not answering the question must constitute a "substantial economic penalty."

Employee Rights during Interrogations and Interviews

Criminal Interrogation

5th Amendment right to silence

6th Amendment right to an attorney

Right to an Attorney during all phases of criminal prosecution

Disciplinary Interview

No right to silence

Refusal leads insubordination and dismissal

Qualified Right to Union Rep

Duty for fair representation

Group Exercise using Video Clip on Misuse of Government Property--what rights does the employee have?

Third Party Appeals

Judge's view of investigatory as witness

Importance of investigator's notes in conjunction with sworn witness statements

Possible employee affirmative defenses

Creditability determinations and factors

Hearsay Rule at MSPB and 3rd party forums

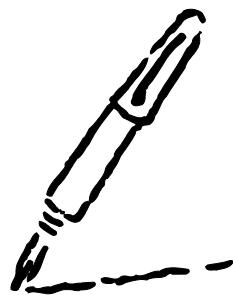
If an administrative action is taken by the agency the employee has the right to appeal the agency's action. As a result of this the investigation conducted will usually become a major focus and point of the agency's case. Therefore, it is very important that the investigations are conducted in a fair and impartial manner.

Burden of Proof Requirement in Administrative Cases

Preponderance of the evidence

Proof is required to meet the elements of a specific charge

Capture your notes here





Conducting a Basic Investigation & Preparing Reports

The following is a list of tips developed by the instructor to aid in the development of oral and written reports in basic investigations.

Thoroughness

All investigations must be conducted in a diligent and complete manner, and reasonable steps should be taken to ensure pertinent issues are sufficiently resolved and to ensure that all appropriate criminal, civil, contractual, or administrative remedies are considered.

Legal Requirements

Investigations should be initiated, conducted, and reported in accordance with

- (a) all applicable **laws, rules, and regulations**; (Reference 5 CFR, DO#68)
- (b) guidelines from the **Department of Justice, Department of Interior**, and other prosecutive authorities; and
- (c) **internal agency policies and procedures**. Investigations should be conducted with due respect for the rights and privacy of those involved.

Appropriate Techniques

Specific methods and techniques used in each investigation must be appropriate for the circumstances and objectives.

Impartiality

All investigations must be conducted in a **fair and equitable manner**, with the perseverance necessary to determine the facts.

Objectivity

Evidence must be gathered and reported in an **unbiased and independent manner** in an effort to determine the validity of an allegation or to resolve an issue.

Ethics

At all times the actions of the investigator and the investigative organization must conform to **generally accepted standards of conduct** for government employees.

Timeliness

All investigations must be conducted and reported with **due diligence and in a timely manner**. This is especially critical given the impact investigations have on the lives of individuals and activities of organizations.

Accurate and Complete Documentation

The investigative report findings, and investigative accomplishments (indictments, convictions, recoveries, etc.), must be supported by **adequate documentation** (evidence, investigator notes, court orders of judgment and commitment, suspension or debarment notices, settlement agreements, etc.) in the case file.

A report must be accurate and clearly, as well as concisely, reflect the relevant results of the investigator's efforts. It should be presented in straightforward, grammatically correct language-avoiding the use of unnecessary, obscure, and confusing verbiage. Graphics should be well prepared, clearly relevant to the investigation, and supportive of the presentation.

Documenting Policies and Procedures

To facilitate due professional care, organizations should establish **written investigative policies and procedures** via handbook, manual, directives, or similar mechanism.

Now that we have learned the general precepts for conducting and administrative investigation, it is time to learn what to do when a misconduct complaint is received.

Individual Case Planning

Upon receipt, each complaint must be evaluated against the investigative functions, priorities, and guidelines for one of three decisions:

- **Initiate** investigative activity,
- **Refer** to another appropriate authority, or

- **Take no further specific investigative action.**

If the decision is to initiate an investigation, the organization should begin any necessary immediate actions and establish—if appropriate—an investigative plan of action, as soon as possible, that includes as many of the following steps as deemed necessary:

1. Determine the primary nature of the allegations (criminal, civil, and/or administrative).
2. Determine the planned focus and objectives of the investigation.
3. Identify possible violation(s) of law, rule, or regulation and understand the corresponding elements of proof or standards.
4. Coordinate the decision to open an investigation with appropriate authorities, if warranted (e.g., Federal Bureau of Investigation, OIG, EEO, LE Rangers, etc.).
5. Determine the applicable judicial venue and coordinate with prosecutors, when appropriate.
6. Determine the appropriate administrative office and coordinate with adjudicators, when appropriate.
7. Identify and prioritize the investigative steps necessary to meet investigative objectives. This includes identifying the best approach to take during the investigation in order to resolve the allegation(s) or issue(s) (e.g., list of witnesses, relevant records, etc.).
8. Determine the resources necessary to meet investigative requirements.
9. Establish a time-phased approach that ensures individual leads are pursued on a timely basis and periodic evaluations of progress occur. This would include an affirmative decision to continue or terminate the investigation.
10. Ensure that investigative steps include the identification of any causative factors that can be reported as weaknesses or internal control issues requiring corrective action by agency management.
11. Coordinate with appropriate agency or other Government officials if notable security or public health and safety issues are raised.

Once an agency has decided to conduct an administrative investigation, they must determine whether an oral or written report is warranted. This decision is based on the circumstances of the issue(s) involved. In pursuing this standard, the following guidelines should be considered:

1. In any report, the facts must be set forth to **facilitate reader comprehension**. This should **include a clear and concise statement of the applicable law, rule, or regulation** that was allegedly violated or that formed the basis for an investigation.
2. The **principles of good report writing** must be followed. A quality report will be logically organized, accurate, complete, concise, impartial, clear and issued in a timely manner.
3. Reports must contain **exculpatory evidence and relevant mitigating information** when discovered during any administrative investigation. Exculpatory evidence in a criminal or civil investigation must be brought to the attention of the assigned prosecutor.
4. Evidence outlined in a report must be **supported by documentation** in the investigative case file, and each report must contain an **accurate recitation of facts**.
5. Reports should clearly record or reference all **pertinent interviews, contacts, or other investigative activities**.
6. Reports or case files should **reflect what the investigation accomplished**. This would include fines, savings, recoveries, indictments, convictions, management recommendations, etc.
7. Reports should be organized in an **orderly, logical manner** to identify the issues and evidence quickly.
8. Investigators should write reports in deductive prose, using overview statements and topic sentences. Write in **short, simple, and direct sentences and paragraphs**.
9. Reports should be **no longer than necessary** without sacrificing clarity, completeness, and accuracy to communicate the relevant investigative findings. Reports should neither raise unanswered questions nor leave matters open to misinterpretation. Additionally, in some cases it may be appropriate to note specific allegations that were not investigated to ensure decision-makers can take further action as they deem appropriate.
10. Investigative reports should not contain personal opinions or views. All assessments, conclusions, observations, and recommendations must be **based on available facts**.
11. Reports should be **formatted** in a manner that is responsive to the intended recipient's needs.
12. **Systemic weaknesses or management problems** disclosed in an investigation should be reported to agency officials as soon as possible.

Finally, avoid the following mistakes when conducting investigations:

- Assuming that you already know everything
- Failing to properly document what you find
- Ignoring labor agreements
- Violating privacy rights
- Not interviewing all witnesses
- Not conducting a complete investigation
- Violating any due process provisions

Elements of Common Charges

Charge: Theft

- Person took another's property
- Person acted without authorization
- Person acted with intent to permanently deprive the owner of property
- Person acted with a guilty mind
- Case: King v Nazelrod, 43 F 3d. 1994

Charge: Insubordination

- Employee given a lawful order
- Employee disobeyed the order: and
- The disobedience was willful and intentional

Obey now and grieve later concept

Defenses – confusion, not lawful, no order, circumstances beyond employee's control

Charge: Threat

- Employee made certain statements
- Statement constitutes threat under reasonable person standard based on the following threats:

- Listener's reaction;
- Listeners apprehension of harm;
- Speakers intent
- Any conditional nature of statements;
- Any special circumstances

Metz v Dept of Treasury 780 F2d 1001 (Fed Circ 1986)

Avoid Intent Charges

When developing charges or recommending charges as a result of an investigation for discipline, stay away from intent charges. For instance,

<u>Instead of:</u>	<u>Consider Using:</u>
Theft	Unauthorized removal
Assault	Striking/hitting
Fraud	Improper claim
Falsification	Incorrect statements
Insubordination	Failure to follow
Sexual harassment	Inappropriate conduct

In administrative adjudications by third parties, each of these charges has specific elements which must be proved by the agency.



Closing

Final Video Clip on the Costs of Investigations

Review of Objectives

How did we do in meeting the objectives?

This course will teach:

1. Public employees their rights and responsibilities during the interrogation and disciplinary interview processes
2. Labor management issues that apply to employees covered by a union during administrative investigations
3. Differences between criminal and administrative investigations
4. Steps to use when conducting a basic or preliminary administrative investigation into alleged employee misconduct
5. Preparation of oral and written reports for use in administrative investigations
6. Role of your servicing personnel office in an administrative investigation
7. Decision-making process to handle complaints and determine whether to:
 - a. Initiate investigative activity
 - b. Refer to another appropriate authority
 - c. Take no further specific investigative action

Quiz Q & A Session

Scenario one: You are a maintenance supervisor in buildings and utilities. An employee in roads and trails comes to you and tells you they saw one of their coworkers riding a park horse, leading a pack string of two mules in the backcountry after hours. The employee was not in uniform but had a concession uniform on and the mules carried loads. Should you conduct a basic investigation? Who should be involved?

Scenario two: You are a district ranger. While traveling in a car to park headquarters in the early afternoon, you observe one of the park's biologists driving a government car past you. You notice the driver pulls into a concession that sells food and alcoholic beverages. Later in the day, you see the employee at park headquarters and notice the smell of alcohol on the employee's breath. Should you conduct a basic investigation? Who should be involved?

Scenario three: A government employee uses his/her government credit card for cash advances for personal use the past 6 months. The employee always pays off the balance, but someone who knows about this activity suspects misuse. What steps should be taken and who should be involved?

Scenario four: You are the supervisor of a backcountry vegetation sampling crew in resource management. It is the end of the field season, and your crew has returned their equipment to you. Among the equipment each member checked out in the spring was a digital camera in good working order. Upon checking the cameras back into the equipment locker, you see that one crew member left pictures on the camera. Among pictures of vegetation taken for work, are several dozen photos taken at an outdoor concert. The shutter is also sticking on the camera, and it has scratches on it. What steps should be taken and who should be involved?

To receive credit for this course

1. PRINT your name on the attendance roster.
2. UPON RECEIPT OF E-MAIL NOTIFICATION, complete the online course evaluation.

Appendix A: DIRECTOR'S ORDER #68: NOTIFICATION PROTOCOL FOR CONDUCT OF EMPLOYEE INVESTIGATIONS



National Park Service

DIRECTOR'S ORDER #68: NOTIFICATION PROTOCOL FOR CONDUCT OF EMPLOYEE INVESTIGATIONS

Approved: /s/ Robert Stanton (signed original on file)
Director, National Park Service

Effective Date: January 5, 1998

Sunset Date: January 4, 2003

1. BACKGROUND

Appropriate notification to supervisors and managers regarding investigations of National Park Service (NPS) employees is an important component in managing an efficient and effective organization. Issues under investigation often have the potential to impact resources, involve fraud waste and abuse, or be detrimental to the physical and mental well being of other employees or the visiting public.

2. OBJECTIVES

The objectives of this Director's Order are to: 1) set forth required procedures for the notification to supervisors and managers regarding the conduct of investigations of NPS employees arising from criminal, administrative, and equal opportunity (EO) complaints; 2) assure the timely notification to supervisors and managers of the nature of complaints involving NPS employees allowing them to provide adequate safeguards for the protection and accountability of property, resources or other employees in their respective areas of delegated authority and; 3) outline specific roles and responsibilities of respective NPS officials as they relate to the investigative process.

3. AUTHORITY FOR THIS DIRECTOR'S ORDER

16 U.S.C. 1-4 (National Park Service Organic Act)

4. INSTRUCTIONS/REQUIREMENTS/POLICIES

4.1 The authority and responsibility for managing employee relations lies with Associate Directors, program managers, Regional Directors and superintendents. They are ultimately accountable for the actions of their employees and it is imperative that they

have complete and current knowledge of investigations that may impact other employees or responsibilities of the NPS.

4.2 It is the intent of this notification procedure to ensure that the most immediately responsible official be aware of matters involving alleged employee misconduct and be allowed to take necessary preventive or protective measures to assure the safety and well being of other employees or NPS natural, cultural, or fiscal resources. Notice of investigations will be provided to affected supervisors utilizing the organizational structure described in the re-organization plan of October 1995 and any subsequent approved amendments. Accountable supervisors will be made aware of the nature of impending investigations and their scope, and be provided with appropriate status and final reports documenting the findings of such investigations/inquiries. Initial notification should occur within 5 working days of the decision to conduct an investigation. This notification requirement begins at the level of park superintendent or program manager or higher authority where appropriate.

4.3 In accordance with 29 CFR 1614.108(b), investigations of hostile work environment may be conducted without the notification to superintendents or program managers in situations where the alleged hostile environment is so egregious and/or fear of retaliation by aggrieved parties or witnesses is so great that notification would only lead to coercion and/or intimidation of witnesses to the extent that they would not be honest in their statements to an investigator. The Director or the appropriate Associate Director or Regional Director will be notified as outlined in section 4.2.

4.4 If a park superintendent or program manager is alleged to be part of an incident being investigated then the notification moves to the next higher level of accountability, i.e. the Regional Director/Associate Director and ultimately, the Director.

5. RESPONSIBILITIES

The responsibility for initiating, conducting and overseeing a criminal, equal opportunity or administrative employee investigation is delegated to Departmental or Bureau officials. The Secretary of the Interior has delegated the responsibility to conduct, report and supervise investigations relating to Departmental programs and operations to the Office of the Inspector General (OIG). The OIG provides leadership and coordination and recommends policies for activities designed (a) to promote economy, efficiency and effectiveness in the administration of Department programs, and (b) to prevent and detect fraud and abuse. The complete role and responsibility of the OIG is contained in 355 DM. The Assistant Inspector General of Investigations is delegated overall responsibility for Departmental investigations. In turn, authority has been re-delegated to Bureaus to investigate matters assigned by statute or regulation to Departmental law enforcement units (e.g., relevant sections of 36 CFR).

The following paragraphs outline the roles and responsibilities of specific NPS officials for the investigative process:

5.1 Associate Director, Administration

The Associate Director, Administration is delegated the responsibility for coordination with the OIG and oversight of all criminal and administrative cases or inquiries remanded to the NPS from the OIG or for referral from the NPS to the OIG. Information in this regard is contained in NPS Federal Personnel Manual (FPM) 752 subchapter 1.2.

Further instructions regarding administrative investigations will be included in Director's Order # 54 - Management Accountability.

5.2 Servicewide Equal Opportunity (EO) Program Manager

The EO program manager authorizes all formal EO complaint investigations servicewide. For further instruction refer to Special Directive 82-8, which will be succeeded by Director's Order # 16 - Equal Opportunity.

5.3 NPS Law Enforcement Administrator

The Chief/Deputy Chief, Ranger Activities Division is the law enforcement administrator for the NPS and is responsible for implementing law enforcement policies, procedures, standards and providing for inspection and oversight in order to control law enforcement activities within the NPS. For further information refer to NPS-9 - Law Enforcement, which will be succeeded by Director's Order # 9 - Law Enforcement.